

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE REYNOSO,  
Plaintiff,  
v.  
WACHOVIA,  
Defendant.

No. C 09-2837 CW  
ORDER DISMISSING  
PLAINTIFF'S  
COMPLAINT FOR  
FAILURE TO PROSECUTE

On September 4, 2009, this Court ordered Plaintiff Jose Reynoso to file an opposition to Defendant Wachovia's Motion to Dismiss Complaint Under Federal Rule of Civil Procedure 12(b)(6) (Docket No. 5) by September 17, 2009. The Court warned Plaintiff that his case would be dismissed for failure to prosecute if an opposition was not filed by September 17.

Because Plaintiff failed to comply with the Court's September 4 order and did not file an opposition by September 17, the Court DISMISSES Plaintiff's case without prejudice for failure to prosecute. Defendant's motion to dismiss (Docket No. 5) is DENIED as moot.

IT IS SO ORDERED.

Dated: September 18, 2009



CLAUDIA WILKEN  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

JOSE REYNOSO,

Plaintiff,

v.

WACHOVIA et al,

Defendant.

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Case Number: CV09-02837 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 22, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Reynoso  
319 E. Home St.  
Oakley, CA 94561

Dated: September 22, 2009

Richard W. Wieking, Clerk  
By: Clara Pierce, Deputy Clerk